

HOUSEAMENDMENT NO.\_\_\_\_**Offered by**

\_\_\_\_ of \_\_\_\_\_

1 AMEND House Committee Substitute for Senate Committee Substitute  
 2 for Senate Bill Nos. 1181, 1100, 1262 & 1263, Pages 21 and 22,  
 3 Section 393.108, Lines 1 to 17, by deleting all of said lines and  
 4 inserting in lieu thereof the following:

5 "393.108. For purposes of this section, the hot weather  
 6 rule shall mean the period of time from June first to September  
 7 thirtieth, in which the discontinuance of gas and electric  
 8 service to all residential users, including all residential  
 9 tenants of apartment buildings, for nonpayment of bills where gas  
 10 or electricity is used as the source of cooling or to operate the  
 11 only cooling equipment at the residence, is prohibited in the  
 12 following situations:

13 (1) On any day when the National Weather Service local  
 14 forecast between 6:00 a.m. and 9:00 p.m. for the following  
 15 twenty-four hours predicts that the temperature shall rise above  
 16 ninety-five degrees Fahrenheit or that the heat index shall rise

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1 above one hundred five degrees Fahrenheit;

2 (2) On any day when utility personnel are not available to  
3 reconnect utility service during the immediately succeeding day  
4 or days and the National Weather Service local forecast between  
5 6:00 a.m. and 9:00 p.m. predicts that the temperature during the  
6 period of unavailability shall rise above ninety-five degrees  
7 Fahrenheit or that the heat index shall rise above one hundred  
8 five degrees Fahrenheit; and

9 (3) In any other applicable situations provided for in  
10 rules established and amended by the public service commission.";  
11 and

12 Further amend said bill, Page 22, Section 393.171, Lines 1  
13 to 16, by deleting all of said lines and inserting in lieu  
14 thereof the following:

15 "393.171. 1. The commission shall have the authority to  
16 grant the permission and approval specified in section 393.170,  
17 after the construction or acquisition of any electric plant  
18 located in a first class county without a charter form of  
19 government has been completed if the commission determines that  
20 the grant of such permission and approval is necessary or  
21 convenient for the public service. Any such permission and  
22 approval shall, for all purposes, have the same effect as the  
23 permission and approval granted prior to such construction or  
24 acquisition. This subsection is enacted to clarify and specify

1 the law in existence at all times since the original enactment of  
2 section 393.170.

3 2. No permission or approval granted for an electric plant  
4 by the commission under subsection 1 of this section, nor any  
5 special use permit issued for any such electric plant by the  
6 governing body of the county in which the electric plant is  
7 located, shall extinguish, render moot, or mitigate any suit or  
8 claim pending or otherwise allowable by law by any landowner or  
9 other legal entity for monetary damages allegedly caused by the  
10 operation or existence of such electric plant. Expenses incurred  
11 by an electrical corporation in association with the payment of  
12 any such damages shall not be recoverable, in any form at any  
13 time, from the rate payers of any such electrical corporation.

14 3. The commission's authority under subsection 1 of this  
15 section shall expire on August 28, 2009."; and

16 Further amend said bill, Pages 22 and 23, Section 393.275,  
17 Lines 1 to 40, by deleting all of said lines and inserting in  
18 lieu thereof the following:

19 "393.275. 1. The commission shall notify the governing  
20 body of each city or county imposing a business license tax  
21 pursuant to section 66.300, 92.045, 94.110, 94.270 or 94.360,  
22 RSMo, or a similar tax adopted pursuant to charter provisions in  
23 any constitutional charter city with a population of at least  
24 three hundred fifty thousand inhabitants which is located in more

1    than one county, on gross receipts of any gas corporation,  
2    electric corporation, water corporation or sewer corporation of  
3    any tariff increases authorized for such firm doing business in  
4    that city or county if the approved increase exceeds seven  
5    percent. The commission shall include with such notice to any  
6    city or county the percentage increase approved for the utility,  
7    together with an estimate of the annual increase in gross  
8    receipts resulting from the tariff increase on customers residing  
9    in that city or county. The provisions of this subsection shall  
10   not apply to rate adjustments in the purchase price of natural  
11   gas which are approved by the commission.

12        2. The governing body of each city or county notified of a  
13   tariff increase as provided in subsection 1 of this section shall  
14   reduce the tax rate of its business license tax on the gross  
15   receipts of utility corporations. Within sixty days of the  
16   effective date of the tariff increase, the tax rate shall be  
17   reduced to the extent necessary so that revenue for the ensuing  
18   twelve months will be approximately equal to the revenue received  
19   during the preceding twelve months plus a growth factor. The  
20   growth factor shall be equal to the average of the additional  
21   revenue received in each of the preceding three years. However,  
22   a city or county may maintain the tax rate of its business  
23   license tax on the gross receipts of utility corporations without  
24   reduction if an ordinance to maintain the tax rate is enacted by

1 the governing body of the city or an order to maintain the tax  
2 rate is issued by the governing body of the county after  
3 September 28, 1985. The provisions of this subsection shall not  
4 apply to rate adjustments in the purchase price of natural gas  
5 which are approved by the commission and such purchased gas  
6 adjustment rates shall include the gas cost portion of net write-  
7 offs incurred by the gas corporation in providing service to  
8 system sales customers upon the filing and approval of new rate  
9 schedules applicable to such customers. Such rate schedules  
10 shall be designed to simultaneously decrease the gas  
11 corporation's base rates and increase its purchased gas  
12 adjustment rates by like amounts so as to reasonably ensure that  
13 the gas cost portion of the net write-offs applicable to such  
14 customers, as such portion is determined by the commission, is  
15 only being recovered once through the gas corporation's purchased  
16 gas adjustment rates. Increases and decreases in the gas cost  
17 portion of net write-offs shall thereafter be reflected in the  
18 gas corporation's purchased gas adjustment rates pursuant to  
19 tariff provisions approved by the commission provided, however,  
20 that such tariff provisions shall:

21 (1) Limit increases or decreases in the gas cost portion of  
22 net write-offs as reflected in purchased gas adjustment rates to  
23 once each year;

24 (2) Require a true-up of the gas cost portion of net write-

1 offs as reflected in purchased gas adjustment rates once each  
2 year; and

3 (3) Require commission review of the gas cost portion of  
4 net write-offs as reflected in purchased gas adjustment rates  
5 once each year to insure that the gas corporation is prudently  
6 pursuing collection of amounts owed by its customers.

7  
8 Based on its annual reviews of such collection efforts, the  
9 commission shall prepare and submit a report to the general  
10 assembly by December 1, 2011, comparing and describing any  
11 changes made or experienced in the collection practices, level of  
12 utility resources devoted to collection activities, amount and  
13 percentage of net write-offs incurred, and regulations affecting  
14 collection activities for the period beginning July 1, 2007, and  
15 ending July 1, 2011."; and

16 Further amend said bill, Pages 24 and 25, Section 407.300,  
17 Lines 1 to 36, by deleting all of said lines and inserting in  
18 lieu thereof the following:

19 "407.300. 1. Every purchaser or collector of, or dealer  
20 in, junk, scrap metal, or any secondhand property shall keep a  
21 register [which shall contain the name and address of the person  
22 from whom] containing a written or electronic record for each  
23 purchase or trade in which each type of metal subject to the  
24 provisions of this section is obtained for value. There shall be

1 a separate record for each transaction involving any:

2 (1) Copper, brass, or bronze;

3 (2) Aluminum wire [or is purchased,], cable, pipe, tubing,  
4 bar, ingot, rod, fitting, or fastener; or

5 (3) Material containing copper or aluminum that is  
6 knowingly used for farming purposes as "farming" is defined in  
7 section 350.010, RSMo;

8  
9 whatever may be the condition or length of such [copper wire or  
10 cable] metal. The record shall contain the following data: A  
11 copy of the driver's license or photo identification issued by  
12 the state or by the United States government or agency thereof to  
13 the person from whom the material is obtained, which shall  
14 contain a current address of the person from whom the material is  
15 obtained; [the residence or place of business and driver's  
16 license number of such person;] and the date, time, and place of  
17 and a full description of each such purchase or trade including  
18 the quantity by weight thereof[; and shall permit any peace  
19 officer to inspect the register at any reasonable time].

20 2. The records required under this section shall be  
21 maintained for a minimum of twenty-four months from when such  
22 material is obtained and shall be available for inspection by any  
23 law enforcement officer.

24 3. Anyone convicted of violating this section shall be

1 [fined not less than twenty-five dollars nor more than five  
2 hundred dollars, or imprisoned for not less than thirty days nor  
3 more than six months, or both] guilty of a class A misdemeanor.

4 4. This section shall not apply to any of the following  
5 transactions:

6 (1) Any transaction for which the total amount paid for all  
7 regulated scrap metal purchased or sold does not exceed fifty  
8 dollars;

9 (2) Any transaction for which the seller, including a farm  
10 or farmer, has an existing business relationship with the scrap  
11 metal dealer and is known to the scrap metal dealer making the  
12 purchase to be an established business or political subdivision  
13 that operates a business with a fixed location that can be  
14 reasonably expected to generate regulated scrap metal and can be  
15 reasonably identified as such a business; or

16 (3) Any transaction for which the type of metal subject to  
17 subsection 1 of this section is a minor part of a larger item,  
18 except for equipment used in the generation and transmission of  
19 electrical power or telecommunications."; and

20 Further amend said bill, Page 25, Section 407.301, Lines 1  
21 to 9, by deleting all of said lines and inserting in lieu thereof  
22 the following:

23 "407.301. 1. No scrap metal dealer shall knowingly  
24 purchase or possess a metal beer keg, whether damaged or



1 undamaged, or any reasonably recognizable part thereof, on any  
2 premises that the dealer uses to buy, sell, store, shred, melt,  
3 cut, or otherwise alter scrap metal except when the purchase is  
4 from the brewer or its authorized representative. For purposes  
5 of this section, "keg" shall have the same meaning as in section  
6 311.082, RSMo.

7 2. Anyone who is found guilty of, or pleads guilty to,  
8 violating this section shall be guilty of a class A misdemeanor  
9 punishable only by fine. Nothing in this section shall be  
10 construed to preclude a person violating this section from also  
11 being prosecuted for any applicable criminal offense."; and

12 Further amend said bill, Page 25, Section 407.302, Lines 1  
13 to 11, by deleting all of said lines and inserting in lieu  
14 thereof the following:

15 "407.302. 1. No scrap yard shall purchase any metal that  
16 can be identified as belonging to a public or private cemetery or  
17 to a political subdivision or electrical cooperative, municipal  
18 utility, or a utility regulated under chapter 386 or 393, RSMo,  
19 including bleachers, guardrails, signs, street and traffic lights  
20 or signals, and manhole cover or covers, whether broken or  
21 unbroken, from anyone other than the cemetery or monument owner,  
22 political subdivision, electrical cooperative or utility, or  
23 manufacturer of the metal or item described in this section  
24 unless such person is authorized in writing by the cemetery or

1 monument owner, political subdivision, electrical cooperative or  
2 utility, or manufacturer to sell the metal.

3 2. Anyone convicted of violating this section shall be  
4 guilty of a class B misdemeanor."; and

5 Further amend said bill, Page 26, Section 407.303, Lines 1  
6 to 8, by deleting all of said lines and inserting in lieu thereof  
7 the following:

8 "407.303. 1. Any scrap metal dealer paying out an amount  
9 that is five hundred dollars or more shall make such payment in  
10 the form of a check or shall pay by any method in which a  
11 financial institution makes and retains a record of the  
12 transaction.

13 2. This section shall not apply to any transaction for  
14 which the seller has an existing business relationship with the  
15 scrap metal dealer and is known to the scrap metal dealer making  
16 the purchase to be an established business or political  
17 subdivision that operates a business with a fixed location that  
18 can be reasonably expected to generate regulated scrap metal and  
19 can be reasonably identified as such a business."; and

20 Further amend said bill, Pages 26 to 28, Section 537.340,  
21 Lines 1 to 68, by deleting all of said lines; and

22 Further amend said bill, Page 28, Section 570.055, Lines 1  
23 to 5, by deleting all of said lines and inserting in lieu thereof  
24 the following:

1       "570.055. Any person who steals or appropriates, without  
2 consent of the owner, any wire, electrical transformer, metallic  
3 wire associated with transmitting telecommunications, or any  
4 other device or pipe that is associated with conducting  
5 electricity or transporting natural gas or other combustible  
6 fuels shall be guilty of a class C felony."; and

7       Further amend said bill, Page 28, Section 570.056, Lines 1  
8 to 4, by deleting all of said lines and inserting in lieu thereof  
9 the following:

10       "570.056. Any person who steals or appropriates, without  
11 consent of the owner, any property located on the premises of  
12 electrical cooperatives or municipal utilities or utilities  
13 regulated under chapter 386, RSMo, shall be guilty of a class D  
14 felony."; and

15       Further amend said bill, Page 31, Lines 1 to 14, by deleting  
16 all of said lines and inserting in lieu thereof the following:

17       "660.115. 1. For each eligible household, an amount not  
18 exceeding [six] eight hundred dollars for each fiscal year may be  
19 paid from the utilicare stabilization fund to the primary or  
20 secondary heating source supplier, or both, including suppliers  
21 of heating fuels, such as gas, electricity, wood, coal, propane  
22 and heating oil. For each eligible household, an amount not  
23 exceeding [six] eight hundred dollars for each fiscal year may be  
24 paid from the utilicare stabilization fund to the primary or

1 secondary cooling source supplier, or both; provided that the  
2 respective shares of overall funding previously received by  
3 primary and secondary heating and cooling source suppliers on  
4 behalf of their customers shall be substantially maintained.

5 2. For an eligible household, other than a household  
6 located in publicly owned or subsidized housing, an adult  
7 boarding facility, an intermediate care facility, a residential  
8 care facility or a skilled nursing facility, whose members rent  
9 their dwelling and do not pay a supplier directly for the  
10 household's primary or secondary heating or cooling source,  
11 utilicare payments shall be paid directly to the head of the  
12 household, except that total payments shall not exceed eight  
13 percent of the household's annual rent or one hundred dollars,  
14 whichever is less."; and

15 Further amend said bill, Pages 31 and 32, Section 660.135,  
16 Lines 1 to 13, by deleting all of said lines and inserting in  
17 lieu thereof the following:

18 "660.135. 1. Not more than five million dollars from state  
19 general revenue shall be appropriated by the general assembly to  
20 the utilicare stabilization fund established pursuant to section  
21 660.136 for the support of the utilicare program established by  
22 sections 660.100 to 660.136 for any fiscal year, except in  
23 succeeding years the amount of state funds may be increased by a  
24 percentage which reflects the national cost-of-living index or

1 seven percent, whichever is lower.

2 2. The department of social services ~~[may]~~ shall, in  
3 coordination with the department of natural resources, apply a  
4 portion of the funds appropriated annually by the general  
5 assembly to the utilicare stabilization fund established pursuant  
6 to section 660.136 to the low income weatherization assistance  
7 program of the department of natural resources; provided that any  
8 project financed with such funds shall be consistent with federal  
9 guidelines for the Weatherization Assistance Program for  
10 Low-Income Persons as authorized by 42 U.S.C. 6861."; and

11 Further amend said bill, Page 32, Section 660.135, Line 13,  
12 by inserting after all of said line the following:

13 "Section 1. For any electric generation plant unlawfully  
14 constructed after August 28, 2008, in any suit or claim brought  
15 by any landowner or other legal entity for monetary damages  
16 allegedly caused by the operation or existence of such electric  
17 plant, the measure of damages shall be treble the actual damages  
18 to the plaintiff's real estate proved as determined by a judge or  
19 jury, plus court costs and reasonable attorney fees."; and

20 Further amend said title, enacting clause and intersectional  
21 references accordingly.